

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

Civil Action No. 05-CV-10879-JLT

KIMBERLY GENEREUX,	)	
Plaintiff	)	
	)	
v.	)	<b>PLAINTIFF'S MOTION IN LIMINE</b>
	)	<b>TO EXCLUDE EVIDENCE OF THE</b>
	)	<b>CAUSE OF THE PLAINTIFF'S</b>
COLUMBIA SUSSEX CORPORATION,	)	<b><u>SISTER'S DEATH</u></b>
STARWOOD HOTELS & RESORTS	)	
WORLDWIDE, INC., and	)	
WESTIN HOTEL MANAGEMENT, L.P.,	)	
Defendants	)	

Kimberly Genereux, the plaintiff, hereby moves this Court *in limine* to exclude evidence that her sister died from a crack cocaine overdose.

In support of her motion, the plaintiff states that the fact of her sister's death by suicide is relevant because it was the reason that Ms. Genereux went to the Cayman Islands to recuperate in April-May 2002, but the cause of her sister's death (crack cocaine overdose) is irrelevant and unduly prejudicial to the plaintiff. Her sister's use of crack cocaine constitutes inadmissible evidence of criminal misconduct by a person who was not criminally convicted, in violation of Fed. R. Evid. 608 and 609, and who will not be a witness at trial. Such evidence is not relevant to the plaintiff's claims, making their admission violative of Fed. R. Evid. 401. The jury can be misled and confused by such highly charged evidence and, to the plaintiff's great prejudice, improperly may attribute such alleged criminal misconduct to the plaintiff, in violation of Fed. R. Evid. 403.

For the same reason, documents evidencing that Ms. Genereux' sister died of a crack cocaine overdose should be redacted before introduction into evidence.

The Plaintiff,  
By her Attorney,

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April 7, 2008

**CERTIFICATE OF SERVICE**

I, Mark F. Itzkowitz, counsel for the plaintiff, hereby certify that on this date, I made service of the within document by serving it electronically to registered ECF participants and/or by mailing/faxing/hand-delivering a copy of same to non-registered ECF participants as indicated on the Notice of Electronic Filing ("NEF"), upon the following counsel of record:

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s/ Mark F. Itzkowitz  
MARK F. ITZKOWITZ (BBO #248130)

Dated: April 7, 2008